

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

GWENDOLYN MCMULLEN,

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security
Administration

Defendant.

C.A. No.: 0:20-cv-04424-TLW

Order

Per the parties' joint motion to clarify, ECF No. 19, the Court vacates its prior order, ECF No. 18, and enters this order in its place.

After the Court entered an order remanding this social security matter to the Commissioner for further proceedings, Plaintiff's counsel filed a motion for attorney's fees and expenses pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. ECF No. 14. The Commissioner did not object to the requested amount of attorney's fees and expenses under the EAJA. ECF No. 15.

Under the EAJA, a court shall award attorney's fees to a prevailing party in certain civil actions against the United States unless the court finds that the government's position was substantially justified or special circumstances make an award unjust. 28 U.S.C. § 2412(d)(1)(A). An EAJA attorney's fees award is payable to the litigant and, therefore, is subject to an offset to satisfy the litigant's pre-existing debt to the Government. Astrue v. Ratliff, 560 U.S. 586, 594 (2010).

After careful consideration of the record and the applicable legal authority, Plaintiff's motion for attorney's fees under the EAJA, ECF No. 14, is ACCEPTED. The Commissioner is ordered to award Plaintiff \$2,922.59 for all legal services rendered on Plaintiff's behalf by counsel in connection with this action, to be offset by the amount of Plaintiff's pre-existing federal debts, if any, plus \$21.15 in expenses, for a total of \$2,943.74.

IT IS SO ORDERED.

s/Terry L. Wooten

Senior United States District Judge

December 3, 2021

Columbia, South Carolina